

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

**Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.**

Berthold, North Dakota

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MM Docket No. _____
RM- _____

To: Chief, Allocations Branch, Mass Media Bureau

PETITION FOR RULE MAKING

High Plains Broadcasting, Inc. ("HPBI"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, respectfully requests that the Commission institute a rule making proceeding to allot Channel 264C to Berthold, North Dakota.

As set forth in the attached Technical Exhibit, which is incorporated by reference herein, this proposal will serve the public interest. The allotment of Channel 264C to Berthold, North Dakota, will provide the first local aural transmission service to Berthold, which is a census designated city with a population of 409, according to the 1990 Census. See *1990 Census of Population and Housing, North Dakota* at 37 (1993). Located in the northwestern corner of North Dakota, Berthold is separated from Minot, North Dakota, by approximately 21 miles of rural countryside. ^{1/} The community, which elects its mayor and city council, has its own zip code (58718) and post office. It also is the site of the Berthold School and the Berthold Fire Department. Commercially, Berthold has a number of business enterprises, including an auto body shop, two

^{1/} Distance is calculated by the USGS Geographic Server, as reached through the site www.indo.com/distance.

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beauty salons, two oil services, a bank, two insurance agencies, an equipment company, a hotel, a meat shop, a welding service, and at least two eateries, Porky's and the Tumbleweed Cafe. At least three religious denominations maintain buildings and services in Berthold, including Berthold Baptist Church, St. Ann's Catholic Church, and Zion Lutheran Church. In addition, Berthold has its own social organizations, including a senior citizen's club, and a Lions club. Under Commission precedent, the presence of these civic, business, religious and social indicia demonstrates that Berthold is a community deserving of its own aural transmission service. See, e.g., *Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991). That the local phone book has a section entitled Berthold confirms this result. See attached.

The above proposal would enable Berthold to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible.

Accordingly, it is respectfully requested that the Commission issue a Notice of Proposed Rule Making as herein requested and thereafter adopt such a proposal.

Respectfully submitted,

**HIGH PLAINS
BROADCASTING, INC.**

By: 
F. William LeBeau

HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
(202) 637-5706

Its Attorneys

November 19, 1998

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42-3841
44-4867
42-3284
72-2121
E

SCHNEIDER John Box 336 Balta 542-3321
M Orrin 542-3893
Michael & Deborah
HC 03 Box 11 Rugby 542-3869
SCHNEIDER RANDOLPH & ROXANNE
1640 20th Av NE Rugby 542-3873
SCHNEIDER Raphael
HC 03 Box 31 Rugby 542-3830
SCHWAN Archie Farm RR 1 Box 108 542-3288
SENGER Michael HC 03 Box 20 Orrin 542-3361
Nick Orrin 542-3244
SHEET John G Balta 542-2508
SOLLIN Richard Balta 542-3228
SOO LINE RR CO
Drake ND
No Charge To Calling Party Enterprise 443
Ask Operator For
SOO LINE RAILROAD CO SERVICE
CENTER
Harvey ND Toll Free 1-800-247-0209
SOO LINE RAILROAD COMPANY
Fessenden ND Dak
No Charge To Calling Party Enterprise 445
Ask Operator For
STATE RELAY SERVICE
See Relay North Dakota
STEPHENS Grant Mrs
RR 1 Box 82 Silva 542-3271

T
TORGERSON RON
202 2nd Av SE Rugby 542-3230

U
UPS/UNITED PARCEL SERVICE
Toll Free 1-800-742-5877

U S GOVERNMENT
Postal Service
Post Offices
Balta 542-3273
Orrin 542-2510
Veterans Affairs U S Dept Of
Benefits Information And Assistance
V A Center Fargo ND
Toll Free 1-800-827-1000

V
VESCOVI Joe HC 03 Rugby 542-3305
VETSCH Anton P RR 1 Box 55 542-3342
VOELLER Gertrude 542-3296

W
WANGLER Freddie 542-3255

WANGLER Leonard & Theresa
Balta 542-3386
WEIGEL Andrew-Edward Farm
HC 03 Box 43 Orrin 542-3267
WENTZ Valentine Farm
RR 1 Box 95 542-3859
WENTZ WALTER (BOB) FARM
RR 4 Box 99 Rugby 542-3800
WENTZ WAYNE
5340 35th Av NE Rugby 542-3231
WESTERN UNION
Mailgram Telegram Or Cablegram
Toll Free 1-800-325-6000
WHEEL INN LOUNGE
Balta 542-3322
WURGLER Daniel Balta 542-2507

Y
YELLOW FREIGHT SYSTEM INC
Toll Free 1-800-437-6887

Z
ZACHER James P
3040 52nd St NE Rugby 542-3317
Peter A 542-3896
ZIEGLER CASPER
5191 19th Av NE Rugby 542-3829

BERTHOLD

(SERVING BLAISDELL - HARTLAND - TAGUS)
SOURIS RIVER TELECOMMUNICATIONS COOPERATIVE

A
ABRAHAMSON Roy & Mary L
HC 2 Box 32 Plaza 453-3244
AMMANN Thomas
3100 198th Ave NW 468-5621
ALBERS Lucille Mrs
13801 212th Ave NW 468-5613
ALLSHOUSE Maurice Berthold 453-3288
ALVSTAD Dale HC 2 Box 215 Blaisdell 453-3237
Leslie 6905 61st Ave NW Berthold 453-3685
Randy HC 2 Box 74 Berthold 453-3322
Rudy E HC 2 Box 74 Berthold 453-3269

AMBULANCE SERVICE
BERTHOLD 911
Business Office 453-3537

AMERICAN RED CROSS 852-2828
Or Toll Free 1-800-323-3179
ANSWERING SERVICES
24 2nd Ave SE 838-1446
SRT Communications Inc
Toll Free 1-800-737-9130
ANDT Paul HC 2 Box 115 Berthold 453-3311
SMUNDSON Dennis & Faye
PO Box 191 Berthold 453-3327
Halvor & Miss Nora
13800 142nd Ave NW Berthold 453-3317
Henry HC 2 Box 82 Berthold 453-3216

B
SCHMEIER Darren L
113 Agnes St NE 453-3306
Carwin L & Michelle
PO Box 73 Berthold 453-3563
SAR Kathleen E PO Box 163 Berthold 453-3615
SASCH Robert HC 2 Box 21 Berthold 453-3176
SAUER Todd A & Gerylyn
116 3rd Ave NE 453-3683
EDICT P M PO Box 56 Berthold 453-3612
ERG Arnold PO Box 87 Berthold 453-3169
Arnold Farm 2 PO Box 87 Berthold 453-3153
Sen PO Box 87 Berthold 453-3167

BERTHOLD AMBULANCE SERVICE

Berthold 911
Business Office 453-3537

BERTHOLD BAPTIST CHURCH

PO Box 27 Berthold 453-3655
BERTHOLD BAPTIST PARSONAGE
PO Box 27 Berthold 453-3511

BERTHOLD CITY OF

City Hall 453-3641
Fire Hall 453-3211
Maintenance Shop 453-3343

FIRE DEPT POLICE (SHERIFF)

Emergency 24 Hrs 911
Non-Emergency 24 Hours 852-1305
Administrative Office (Weekdays) 857-6500

BERTHOLD FARMERS ELEVATOR CO



Box 38 Berthold 453-3431
Toll Free From Minot 725-4401
Carpio Station - Carpio 468-5423

BERTHOLD SCHOOL Berthold 453-3484
(Fax Line) 453-3488
BIERI Alan HC 2 Box 234 Berthold 453-3365
S RRR Blaisdell 453-3282
BIRDSALL Daisy
PO Box 5 Berthold 453-3526

BIRDSALL Mark & Colleen
PO Box 193 Berthold 453-3159
Fax Line 453-3345
Mark's Mobile 838-9022
Ralph HC 2 Box 24 Berthold 453-3182
Ralph (Dryer) HC 2 Box 87 Berthold 453-3181
BJELLAND C HC 2 Box 108 Berthold 453-3250
Ellen M & Brenda
6065 64th St NW Berthold 453-3339
BLACK Donald E & Judith
301 Berthold St E Berthold 453-3371
BLOMS Paul & Patty
20001 Highway 52 N 468-5976
BOCK Murray 16603 128th St NW 468-5649
BORMAN Stewart
PO Box 135 Berthold 453-3368
BORUD Bessie PO Box 295 Berthold 453-3652
Jarrod & Tracy PO Box 37 Berthold 453-3141
Larry PO Box 312 Berthold 453-3575
Or Call 453-3354
BOSCHERT Don R & Jackie
205 Agnes St NE Berthold 453-3693
BRADLEY Paul
3511 County Rd 6 Berthold 468-5611
BREDAHL Gene & Myrna
HC 2 Box 99 Berthold 453-3357
Scott & Karla
201 Central Ave E Berthold 453-3698
BREKKE Clarence D
RR 2 Box 79 Berthold 453-3335
BROCKEL Dale
RR 1 Box 53 Burlington 453-3116
BROCKEL'S VIP LIMOUSINE SERVICE
RR 1 Box 53 Burlington 453-3116
BROOKS Rolla PO Box 247 Berthold 453-3321
BROWN Earl F Berthold 453-3377
Gary D HC 2 Box 25 Berthold 453-3325
Hannah PO Box 253 Berthold 453-3128
Harry Jr PO Box 25 Berthold 453-3649
Jack PO Box 3 Berthold 453-3137
Jay & Hope PO Box 214 Berthold 453-3148
Jay & Laurie PO Box 145 Berthold 453-3627
Jeff & Jill RR 1 Box 92 Berthold 453-3295
Jim & Terri PO Box 286 Berthold 453-3208
Joe L PO Box 34 Berthold 453-3122

TECHNICAL EXHIBIT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
BERTHOLD, NORTH DAKOTA

Technical Narrative

This technical narrative and associated exhibits have been prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 264C (100.7 MHz) to Berthold, North Dakota.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 264C to Berthold, North Dakota. Berthold is located in Ward County, North Dakota and has a 1990 U.S. Census population of 409 persons. Berthold has no local FM stations and no local AM stations. Therefore, Petitioner's proposal would be a first local FM broadcast service and first local aural broadcast service to Berthold. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Berthold, North Dakota	--	264C

The proposed channel 264C reference point is located 84 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada may be necessary.

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 264C at Berthold. As shown, the reference coordinates comply with the Commission's minimum distance separation requirements contained in Section 73.207 with respect to all existing, authorized and proposed stations and allotments.

Figure 2 is a map showing the area to locate channel 264C at Berthold in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on minimum Class C facilities (ERP 100 kW/HAAT 300 m). The Berthold city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Conclusion

Channel 264C can be allotted to Berthold, North Dakota in compliance with all applicable Commission Rules.


W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
240 North Washington Blvd.
Suite 700
Sarasota, Florida 34236

November 9, 1998

TECHNICAL EXHIBIT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
BERTHOLD, NORTH DAKOTA

Job Title :Proposed Berthold, ND
Channel 264C (100.7 MHz)
Separation Buffer 50 km
FCC DB Date : 11/07/98
Coordinates : 48-14-51 101-18-44

K261BA	Rolla	261D	.050	DA	48-51-25	60.8	142.25	0
LIC	ND	BLFT821029IF	100.1	48.0	99-37-06		.00	TRANS
TRANSLATOR FOR KBTO, BOTTINEAU, ND.								

Carman	264A		49-32-00	58.2	281.87	247
MB	100.7	.0	98-00-00		34.87	CLEAR

Proposed by Canada 970618-Approved by Commission 970804

Regina	264C		50-25-00	316.2	342.14	306
SA	100.7	.0	104-39-00		36.14	CLEAR

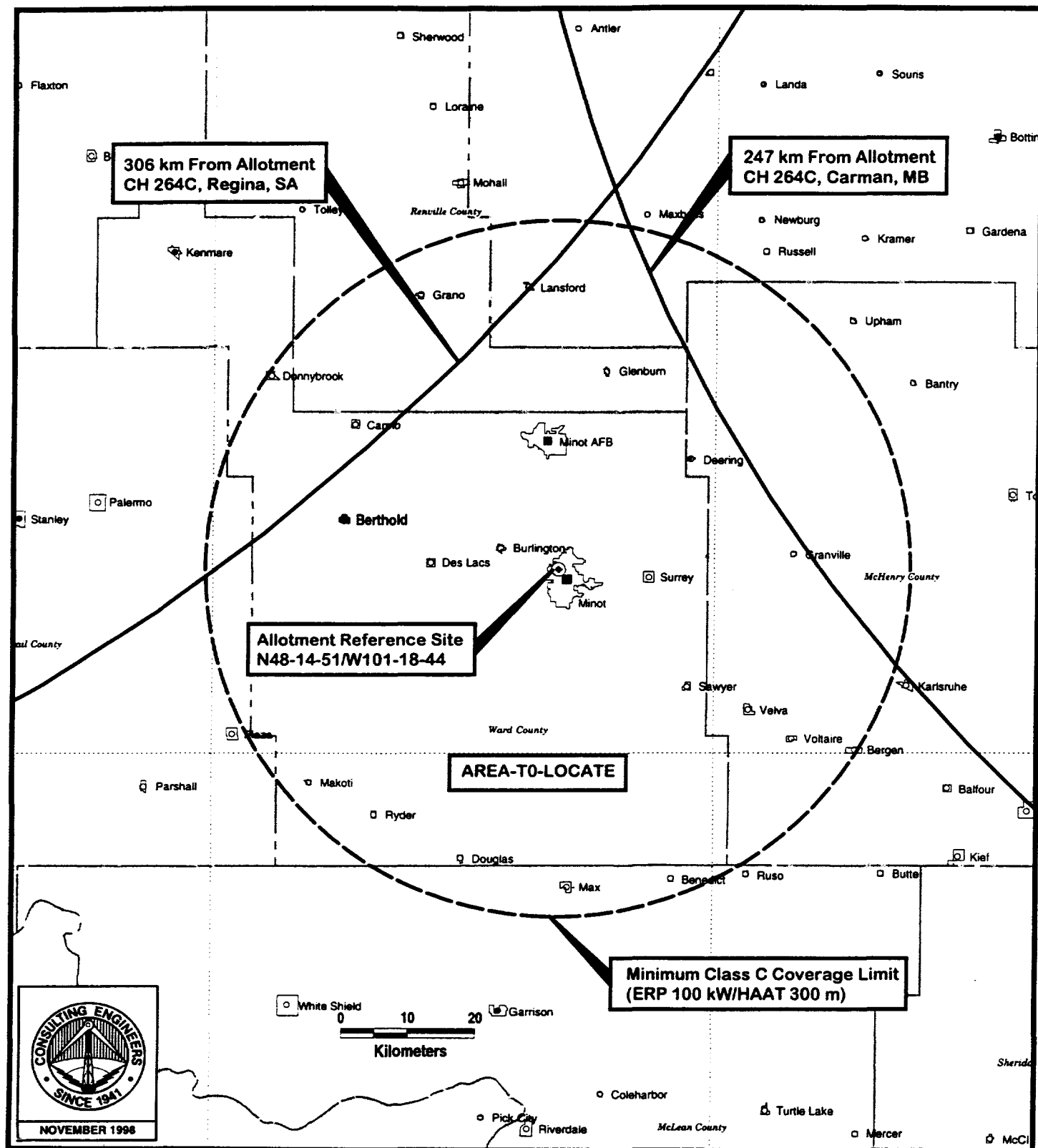
	Grafton	265C3		48-23-53	85.2	287.00	176
ALC	ND	Docket89-232	100.9	.0	97-26-56	111.00	CLEAR
Class B1 with respect to Canada							
Effective-5-18-90 Rsvd for KXPOFM per D89-232							

KDSR	Williston	266C1	100.	48-03-30	265.0	201.09	105
LIC	ND	BLH850312KP	101.1	244.0	104-00-00	96.09	CLEAR

Brandon	266C		49-50-00	28.9	202.54	153
MB	101.1	.0	99-57-00		49.54	CLEAR

** End of separation study for channel 264C **

Figure 2



AREA-TO-LOCATE
CHANNEL 264C
BERTHOLD, NORTH DAKOTA

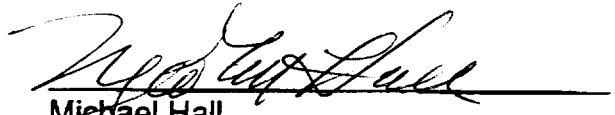
du Treil, Lundin & Rackley, Inc. Sarasota, Florida

DECLARATION OF MICHAEL HALL

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel requested in the attached Petition upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.


Michael Hall

Executed this 18th day of November, 1998.